

Paper No. 729  
Disposes of  
Paper No. 723

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST  
SITTING AT TOKYO, JAPAN

Case No. 1

THE UNITED STATES OF AMERICA; et al	) ORDER:
	) GRANTING WITHDRAWAL FROM
- vs -	) THE CUSTODY OF THE
	) OFFICE OF THE CLERK OF
	) THE TRIBUNAL CERTAIN
	) J.A.G. REPORTS AND
ARAKI, Sadao; et al	) AFFIDAVITS.

This matter coming on to be heard on this 10th day of February, 1947, before The Honorable Sir William Webb, President of the Tribunal, upon the application of the Prosecution for leave to withdraw from the office of the Clerk of the Tribunal certain service reports of the office of the Judge Advocate General of the United States, together with the affidavits and summaries attached thereto, a part of which reports, affidavits and summaries, portions of which were introduced in evidence, are enumerated and set forth in said application, and all of which were heretofore deposited in the custody of the office of the Clerk of the Tribunal pursuant to an order of the Tribunal made and entered on the 9th day of December 1946 for the uses and purposes set forth in said order, to the end that all of said reports, affidavits and summaries, so deposited, may be returned forthwith to the Legal Section of SCAP from whom they were secured; and it appearing to the Tribunal that the Legal Section of SCAP desires to withdraw these reports, affidavits and summaries from the custody of the

office of the Clerk of the Tribunal for the reason that the same are necessary to that section in connection with its work; and that said withdrawal as requested will in no wise prejudice the rights of the accused or any of them, and no substantial injustice will result thereby to said accused; and that the Legal Section of SCAP is prepared to return forthwith to the custody of the office of the Clerk of the Tribunal said reports, affidavits and summaries in the event either the Tribunal or the Defense might request them; and, after hearing the arguments of Counsel, and the Tribunal being fully advised in the premises, it is

ORDERED: That said application be and is hereby granted as prayed, subject to the term and condition, however, that the Legal Section of SCAP keep said reports and the affidavits and summaries attached thereto, for inspection and examination by the accused in this case or their respective Counsel of record, and will return said reports and the affidavits and summaries attached thereto to the custody of the Clerk of the Tribunal upon further order of this Tribunal; and it is further

ORDERED: That all of the said reports and the affidavits and summaries attached thereto so deposited in the office of the Clerk of the Tribunal, to-wit: Reports numbered 1 to 317 inclusive, with the exception of numbers 4, 77, 81, 87, 91, 92, 98, 133, 143, 152, 254 and 316, be withdrawn from the custody of the office of the Clerk of the Tribunal and returned to the Legal Section of SCAP



at Tokyo, Japan, subject to the term and condition as hereinabove set forth.

Dated at Tokyo, Japan, this 10 February 1947.

BY THE TRIBUNAL:

/s/ W. F. Webb  
PRESIDENT

The foregoing order is concurred in and consented to by the respective Counsel for each and all of the accused.

/s/ Dr. Somei Uzawa  
Chairman of the Defense Committee  
Acting by direction of all the  
Accused.

Consented to by the Prosecution,  
/s/ Carlisle W. Higgins,  
Acting Chief of Counsel.